

EXHIBIT B

**THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NEW REFLECTIONS PLASTIC
SURGERY, LLC

Plaintiff,

vs.

REFLECTIONS CENTER FOR SKIN
AND BODY, PC,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:16-cv-08523-FLW-TJB

DECLARATION OF DR. NIKESH PATEL

I, Dr. Nikesh Patel, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. My name is Dr. Nikesh Patel. I am a physician and owner of New Reflections Plastic Surgery LLC (“New Reflections Plastic Surgery”), which has its place of business at 1001 West Main Street, Freehold, New Jersey 07728. I am over 21 years of age.

2. New Reflections Plastic Surgery’s services include comprehensive invasive and noninvasive cosmetic procedures for the face, breast, and body including breast augmentation, thigh and arm lifts, rhinoplasty, face lifts, and ab sculpting.

3. New Reflections Plastic Surgery has operated its website, www.newreflectionsps.com, continuously since at least as early as September 2007.

4. New Reflections Plastic Surgery has invested significant funds on Google placement and search engine optimization (SEO)/search engine marketing with first page placements and multiple web-based referral platforms. Consequently, New Reflections Plastic Surgery was highly ranked on various search terms. New Reflections Plastic Surgery has also

purchased online local and regional newspaper and magazine advertisements.

5. New Reflections Plastic Surgery advertises and markets its services and medical procedures on the internet to prospective patients nationally. The New Reflections Plastic Surgery website focuses its search optimization to prospective patients in the New Jersey and New York City areas.

6. I have attended multiple Plastic Surgery and Cosmetic Surgery conferences throughout the years as part of my normal Maintenance of Certification of my Specialty in Plastic Surgery. These conferences include Plastic Surgery The Meeting (held by American Society of Plastic Surgeons (ASPS)), The Aesthetic Meeting (held by American Society for Aesthetic Plastic Surgery (ASAPS)), Vegas Cosmetic Surgery Meeting, New Jersey Society of Plastic Surgery meetings, Monmouth County Society of Plastic Surgeons meetings (six to eight times per year), and marketing and educational meetings by vendors such as Sciton, Cynosure, Thermi, Palomar, Allergan, Microaire, etc. At these events, I have represented myself as New Reflections Plastic Surgery.

7. In order to grow New Reflections Plastic Surgery, I have spent considerable time and resources getting to know and associate with local physicians and businesses and meeting with multiple potential partners that may be synergistic in providing services to potential clients. To further these goals, I frequently use my personal and professional time for networking. When I network and meet with potential partners and clients, I represent myself as New Reflections Plastic Surgery.

8. Since its inception, New Reflections Plastic Surgery has invested approximately \$700,000 to grow its business and advertise, publicize, and promote its services, which has

resulted in patients, referring physicians, and other members of the public identifying the New Reflections Plastic Surgery name exclusively with its medical services.

9. New Reflections Plastic Surgery first became aware of Defendant around 2015, after Defendant contacted it regarding “problems with a trademark; or a logo, actually.” On September 12, 2016, Defendant sent a cease and desist letter to New Reflections Plastic Surgery asserting that New Reflections Plastic Surgery’s use of REFLECTIONS constitutes infringement and unfair competition. For nine years prior to Defendant’s letter, Defendant and its predecessors made no attempts to assert their alleged rights against New Reflections Plastic Surgery.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in New York on 5/9/18.

By: 

Dr. Nikesh Patel